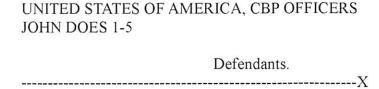
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK 	<i>T</i>
DARLIN YUNIOR PENA ORTIZ,	

Plaintiff,

**COMPLAINT** 

-against-



Plaintiff Darlin Yunior Pena Ortiz a resident of the State of New York, County of Kings, Brooklyn by and through his attorney, Vik Pawar Esq., respectfully alleges as follows:

# NATURE OF THE ACTION

1. This is a civil action commenced by plaintiff that seeks recovery of his vehicle a 2020 Mercedes-Benz GLC300 ("VEHICLE") under the procedural and due process rights guaranteed under the 5<sup>th</sup> and 14<sup>th</sup> amendments of the US Constitution and under 42 USC 1983 and 1988.

### JURISDICTION AND VENUE

- 2. Jurisdiction of the court is invoked pursuant to 28 U.S.C. §1331 in that this civil action involves a federal question.
- Venue is proper in the Eastern District of New York, pursuant to 28 U.S.C.
  §1391(a) because plaintiff resides in this District.

#### THE PARTIES

4. Plaintiff is a resident of the State of New York, County of Kings and Brooklyn.

The individual defendants arrested plaintiff based on false evidence and without 5. probable cause and seized his vehicle

## FACTS AND CAUSE OF ACTION

- On or about March 8, 2024, plaintiff was asked by his friend to pick up the 6. friend's relatives in upstate New York.
- While plaintiff was transporting the relatives to New York City, he was pulled 7. over by individual defendants who work for Customs and Border Patrol.
- The defendants had no probable cause to arrest, detain plaintiff and the other 8. passengers.
  - The defendants booked plaintiff and the passengers on unknown charges. 9.
- After approximately 12 hours in custody, the defendants permitted plaintiff and 10. his passengers to leave.
- Neither plaintiff nor his passengers were charged with any crimes or accused of 11. engaging in any unlawful activity.
  - However, the defendants failed to release plaintiff's VEHICLE. 12.
- Plaintiff simply requests the return of the VEHICLE and seeks attorney fees for 13. bringing this action.

Vik Pawar

#### WHEREFORE, Plaintiff seeks

- declaratory judgment that the **VEHICLE** belongs to him; 1.
- 2. costs and attorney fees; and
- all such relief that the Court may deem just and proper. 3.

May 6, 2024 Dated:

New York, New York